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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MA ELENA VARGAS GUERRA,

Plaintiff,

v.

KEVIN MCALEENAN, Acting Secretary
of Department of Homeland Security;
Jeanne Kent, Field Director, USCIS,

Defendant.

Case No.: 2:19-cv-00655-JAD-NJK

Stipulation and Order to Remand

ECF Nos. 4, 11, 14

The United States of America (“Government”) and Ma Elena Vargas-Guerra (“Petitioner”), by and through undersigned counsel, hereby stipulate to remand this matter to the United States Citizen and Immigration Services (“USCIS”) to process Petitioner’s N-400 application for citizenship. This stipulation does not waive or otherwise limit the Government’s authority and obligation to determine Petitioner’s eligibility for citizenship, and, assuming there are no issues going to eligibility apart from submission of the Form Supplement A and payment of the \$1,000 processing fee required under 8 U.S.C. 1255(i) identified in Petitioner’s complaint (ECF No. 1), USCIS will make its best effort to adjudicate the application within 90 days of remand. Further, upon successful adjudication of the N-400, USCIS will make its best effort to have Petitioner sworn in as a United States citizen within 90 days thereafter.

Based on the foregoing, and good cause appearing, the parties hereby stipulate as follows:

1. This matter shall be remanded to USCIS for processing of Petitioner's N-400 application for citizenship;
2. USCIS will make its best effort to adjudicate the application within 90 days after remand;
3. Aside from the issue regarding submission of the Form Supplement A and \$1,000 processing fee under 8 U.S.C. § 1255(i) identified in Petitioner's complaint, the Government is not precluded nor has it waived its authority and obligation to determine all other aspects of Petitioner's eligibility for citizenship;
4. Petitioner's complaint, ECF No. 1, shall be dismissed, without prejudice, as against all defendants with each party to bear their own fees, including attorney's fees, and costs.

Respectfully submitted this 6th day of February, 2020.

NICHOLAS A. TRUTANICH
United States Attorney

FOUNTAS & ASSOCIATES
Constantino Gus Fountas, Esq.

/s/ Mark Woolf
MARK E. WOOLF
Assistant United States Attorney

/s/ Gus Fountas
GUS FOUNTAS
Attorney for Petitioner

ORDER

Based on the parties' stipulation [ECF No. 14], IT IS SO ORDERED.

IT IS FURTHER ORDERED that **this action is DISMISSED** without prejudice, each party to bear its own fees and costs, the motion to dismiss [ECF No. 4] is **DENIED** as moot, and the report and recommendation [ECF No. 11] is **rejected as moot**. The Clerk of Court is directed to **CLOSE THIS CASE**.



Jennifer A. Dorsey
United States District Judge

Dated: 2-7-2020